

## THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
July 23, 2013  
7:05 p.m.

### Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Sanger  
City Manager Owens  
City Attorney O'Keefe

Absent: Andrea Maddox-Dallas and Cynthia Garnholz.

Mayor Sanger asked for any questions or comments relating to the July 9, 2013 minutes, which were previously provided to the Board.

**Alderman Harris moved to approve the July 9, 2013 minutes. Alderman Winings seconded the motion.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### PUBLIC REQUESTS AND PETITIONS

None

### AN ORDINANCE TO CONSIDER APPROVING THE EXECUTION OF A REVISED AGREEMENT WITH COMMERCE BANK FOR PUBLIC PARKING LOCATED AT 9-15 N. MERAMEC AVENUE

City Manager Owens reported that recently Commerce Bank has approached the City seeking to amend the current lease; subsequently they have given notice of termination of the existing lease. After their consideration of future maintenance needs, Commerce Bank has determined that they require additional revenue from the lease in order to meet future capital needs related to the parking lot and structure.

The revised lease contains three major revisions. The first revision is to the split of parking revenue. Under the 1995 lease Commerce received 25% of the gross revenue associated with public parking on the site. The revised lease increases this amount to 50% after a deduction for expenses related to parking enforcement.

The second revision is to the number of spaces that Commerce receives from the City to offset the displacement of parking for their employees. Since 1995 Commerce employees have parked in the garage, now a lot, located immediately west of 9-15 N. Meramec Avenue. The original lease provided Commerce with 54 spaces in the City owned lot, or a one for one trade with the spaces in the 9-15 N. Meramec lot. Over the years the City has informally increased this number to 59. The revised lease formalizes the number at 59.

The third major revision to the lease is the termination notice. Under the current lease each party was to give notice prior to May 1 of any year the lease is in effect that that it would be terminated on June 30 of the same year. The revised lease allows either party to terminate the lease with a 90 day notice.

In addition, the new lease clarifies maintenance responsibilities. The City will be responsible for day-to-day upkeep and Commerce will be responsible for capital repairs that are described in the document.

Recommendation is to approve an ordinance authorizing the City Manager to execute the lease with Commerce Bank.

**Alderman Harris introduced Bill No. 6403, an ordinance to approve a revised agreement with Commerce Bank for public parking at 9 through 15 N. Meramec Avenue to be read for the first time by title only. Alderman Winings seconded.**

**City Attorney O'Keefe reads Bill No. 6403, an Ordinance Authorizing Execution of a Lease Agreement with Commerce Bank for Parking Spaces for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6403, an ordinance to approve a revised agreement with Commerce Bank for public parking at 9 through 15 N. Meramec Avenue to be read for the second time by title only. Alderman Winings seconded.**

**City Attorney O'Keefe reads Bill No. 6403 for the second time; Alderman Harris – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6281 of the City of Clayton.**

**AN ORDINANCE TO CONSIDER APPROVING THE EXTENSION OF A CONTRACT WITH REPUBLIC SERVICES FOR THE COLLECTION, REMOVAL AND DISPOSAL OF MUNICIPAL AND RESIDENTIAL: SOLID WASTE, YARD WASTE / COMPOSTABLE MATERIAL, AND RECYCLABLE WASTE IN THE CITY OF CLAYTON, MO, FOR THE PERIOD OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2018**

City Manager Owens reported that the City of Clayton's current contract with Republic Services, formerly Allied Waste, for the collection, removal and disposal of municipal and residential solid waste, yard waste, and recyclable waste is set to expire September 30, 2013. On July 8, 2010, the City received five bids for this contract of which Veolia Environmental Services was the lowest and best responsive, responsible bidder. The Board of Aldermen approved a contract with Veolia Environmental Services on July 27, 2010. On September 10, 2010, Republic Services purchased Veolia Environmental's St Louis operations, including all existing contracts. As a result, the Board of Aldermen approved the assignment and assumption of the contract from Veolia Environmental to Republic Services. In anticipation of the September 30, 2013 expiration date of this contract, Republic Services has proposed a five year contract extension.

The contract extension will continue the collection, removal and disposal of municipal and residential solid waste, yard waste, and recyclable waste services provided by Republic Services till September 30, 2018.

With the exception of the Saint Louis Art Fair, Republic Services will provide waste collection services for a maximum of five annual City sponsored events at no additional charge to the City. Republic Services will also provide semi-annual electronic recycling events at no additional charge to the City.

In the FY 2012-2015 Operating Budget, the City had projected costs of \$2,000,865 in FY 2014 and \$2,080,900 in FY 2015 for this service.

The Department of Public Works is requesting approval of the five year contract. Recommendation is to approve the ordinance.

**Alderman Harris introduced Bill No. 6405, an ordinance to approve an extension of the contract with Republic Services to be read for the first time by title only. Alderman Maddox-Dallas seconded.**

**City Attorney O'Keefe reads Bill No. 6405, an Ordinance Approving the Extension of a Contract with Republic Services for the Collection, Removal and Disposal of Municipal and Residential: Solid Waste, Yard Waste/Compostable Material, And Recyclable Waste in the City of Clayton, MO, For The Period October 1, 2013 Through September 30, 2018 for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduced Bill No. 6405, an ordinance to approve an extension of the contract with Republic Services to be read for the second time by title only. Alderman Winings seconded.**

**City Attorney O'Keefe reads Bill No. 6405 for the second time; Alderman Harris – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6282 of the City of Clayton.**

**A MOTION TO CONSIDER APPROVINIG A LIQUOR LICENSE TO SELL ALL KINDS OF INTOXICATING LIQUOR AT RETAIL BY THE DRINK, INCLUDING SUNDAYS FOR WM. A. STRAUB, INC. DBA STRAUB'S AT 8282 FORSYTH BOULEVARD**

City Manager Owens reported that Wm. A. Straub, Inc. is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 8282 Forsyth Blvd. under the name *Straub's*.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.

In response to the Board's questions, Mr. Trip Straub, owner, explained that the State of Missouri requires them to obtain a liquor license by the drink along with their temporary caterer's license in order to serve and/or provide liquor at catered events.

**Alderman Harris moved to approve a liquor license for Straubs. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

The following individuals have expressed interest in being appointed to or, as the case may be, continuing to serve as a member of the following Boards or Commissions of the City. Mayor Sanger has reviewed and agrees with the recommendations for appointment or reappointment to the respective Board or Commission and, therefore, submits the following nominations for the Board's consideration.

##### **Board of Adjustment**

Gary Soule	Ward 2
Ann Bishop	Ward 2
Mary DeBenedetti	Ward 2
Rick Bliss	Ward 3
Mel Disney, Vice-Chair	Ward 3

##### **Board of Appeals**

Paul Shaughnessy	Ward 1
Jeffrey Melly	Ward 2
Salim Rangwala	Ward 2

##### **City Plan Commission**

Josh Corson	Ward 2
James Liberman	Ward 3

##### **Economic Development Advisory Committee**

Elisa Wang	Ward 1
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##### **Parks & Recreation Commission**

Jeanne Most	Ward 1
Margueritte Garrick	Ward 1

##### **Public Art Advisory Committee**

Beverly Wagner	Ward 3
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##### **Sustainability Committee**

Jacqueline Coleman	Ward 1
Stan Braude	Ward 2
Richard Marx	Ward 2
Joe Miller	Ward 2
Gina Nakis	Ward 3

##### **UERF**

Rick Beard	Ward 3
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Recommendation is to consider the appointments.

**Alderman Harris moved to approve the appointments. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

Alderman Boulton noted that they are still looking for a member for the Board of Appeals and suggested that due to the unique qualification requirements it may be best to seek a nominee outside of Ward 1.

#### Other

Alderman Berger reported on a great marketing opportunity and handed out *Earth Rated* PoopBags™ that come in its own container, small enough to carry or attach to a leash. He said that the bags are environmentally friendly and biodegradable.

Mayor Sanger presented City Manager Owens with a certificate for his five year anniversary recognition.

Mayor Sanger, Board of Aldermen, and the City staff presented City Clerk June Waters with a proclamation declaring July 27, 2013 as *June and Byron Frazier's Wedding Day*.

Captain Kevin Murphy announced that the Police Department will be holding a blood drive on Thursday, July 25<sup>th</sup> at The Center of Clayton.

There being no further business the meeting was adjourned at 7:20 p.m.

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Mayor

ATTEST:

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City Clerk